United States Patent and Trademark Office

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,466	11/07/2001	Andrew Edward White	CR1087AC	3696

22917   7590   03/07/2005

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER
MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
		10/053,466	WHITE ET AL.
Office Action Summary		Examiner	Art Unit
		Tony Mahmoudi	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 November 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 18-November-2004, claims 1, 12, 23 and 25-

26 are amended. Claims 1-26 are presently pending in the application, of which,

claims 1, 12 and 23 are in independent form.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3. Claims 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Amended claim 23 recites the limitation "said identifier" in lines 3 and 4. There

is insufficient antecedent basis for these limitations in the claim. For the purpose of

examination, the examiner is making the assumption that the recitation of "said

identifier" is line 3 is meant to be --an identifier--. Correction is required.

Claims 24-26 are rejected under 35 U.S.C. 112, second paragraph, because they

are dependents from the rejected independent claim 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et

al (U.S. Publication No. 20020083008A1) in view of Ahmad (U.S. Patent No.

5,925,127), and further in view of Pruitt et al (U.S. Patent No. 6,597,907.)

As to claim 1, Smith et al teaches a method for validating that an identifier is

unique (see Abstract) within an ad-hoc network of machines (see figure 1), the

identifier being associated with an application for execution on one or more of the

machines (see paragraphs 36 and 38), the method comprising the steps of:

obtaining the identifier (see paragraph 23);

sending a claim request for the identifier to at least one machine in the network of

machines (see paragraphs 23 and 27); and

validating the identifier as unique to the application (see paragraphs 28, 30, and

see claim 15) if an invalidation message is not received (see paragraphs 16 and 30.)

Smith et al does not teach predefined time period; and the invalidation message

being indicative of the identifier being allocated to one of the machines.

Ahmad teaches a system and method for monitoring the use of rented software

(see Abstract), in which he teaches predefined time period (see column 8, lines 54-

64); and the invalidation message being indicative of the identifier being allocated to one of the machines (see column 3, lines 45-61, and see column 12, lines 43-53.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al to include predefined time period; and the invalidation message being indicative of the identifier being allocated to one of the machines.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al by the teachings of Ahmad, because setting predefined time period; and the invalidation message being indicative of the identifier being allocated to one of the machines, enables the system to flag duplicate ids and ensure that the user ids are indeed unique and that no more than one user is assigned the unique identifier for the duration of the predefined time period.

Smith et al as modified, still does not teach "obtaining automatically" the identifier "from a shared resource pool of the network".

Pruitt et al teaches detection of deadlocked resource condition in a pool of shared resources (see Abstract), in which he teaches obtaining automatically the identifier (see column 11, lines 58-65, where "automatically obtaining the identifier" is read on "automatically identifying a deadlocked resource") from a shared resource pool of the network (see Abstract, see column 3, lines 40-44, and see column 12, lines 29-36.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al as modified, to include obtaining automatically the identifier from a shared resource pool of the network.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified <u>Smith et al</u> as modified, by the teachings of

<u>Pruitt et al</u>, because including obtaining automatically the identifier from a shared

resource pool of the network, would expand the system's access capability to reach

data/information commonly shared by multiple machines or resources connected to a

network. Modern network services commonly provide a large centralized pool of

data in one or more data storage units for shared use by various network entities, such

as users and application servers accessing the services via a Wide Area Network

(WAN.)

As to claims 2, 13, and 24, <u>Smith et al</u> as modified teaches wherein the network is

a multi-link network (see <u>Smith et al</u>, figure 1, and see claim 30.)

As to claims 3-4, 14-15, and 25-26, <u>Smith et al</u> as modified teaches the method

further characterized by a number of operative machines on the network being

unknown (see <u>Smith et al</u>, paragraphs 12-13, where "unknown" is read on "one or

more", and see paragraph 38.)

As to claims 5 and 16, <u>Smith et al</u> as modified teaches wherein the step of sending

is repeated at least once (see <u>Smith et al</u>, paragraph 22 and see claim 30) within the

predefined time period (see <u>Ahmad</u>, column 4, lines 23-53, and see column 13, lines

30-37.)

As to claims 6 and 17, Smith et al as modified teaches the method further

characterized by the identifier being validated (see Smith et al, paragraph 21) as

unique for a pre-defined duration (see Ahmad, column 10, lines 14-34.)

As to claims 7, 11, 18, and 22, Smith et al as modified teaches wherein the step of

sending is characterized by at least one of the machines receiving the claim request

and thereafter propagating the claim request to at least one other of the machines (see

Smith et al, claim 10, where request for id is received from a user and the encrypted

request is transferred to a verification site.)

As to claims 8 and 19, Smith et al as modified teaches wherein the claim request

is provided in a claim requesting message that includes the identifier (see Smith et al,

paragraph 16) and information identifying the application (see Ahmad, column 16,

lines 9-24.)

As to claims 9 and 20, Smith et al as modified teaches wherein the validating step

is further characterized by one of the machines, operating as a receiving machine (see

Smith et al, claim 10, where "receiving machine" is read on "verification site"),

providing the invalidation message if upon receipt of the claim request the receiving

machine has a prior claim to the identifier (see Ahmad, column 3, lines 45-61, and see

column 12, lines 43-53.)

As to claims 10 and 21, <u>Smith et al</u> as modified teaches wherein the validating step is further characterized by the invalidation message (see <u>Ahmad</u>, column 3, lines 45-61, and see column 12, lines 43-53) being routed to the claim requesting machine by use of network addresses (see <u>Ahmad</u>, column 7, lines 53-64, where "network address" is read on "URL".)

As to claim 12, <u>Smith et al</u> teaches a method for validating that an identifier is unique (see Abstract) within an ad-hoc network of machines (see figure 1), the identifier being associated with an application for execution on one or more of the machines (see paragraphs 36 and 38), the method comprising the steps of:

obtaining the identifier (see paragraph 23);

sending a claim request for the identifier from a claim requesting machine, that is one of the machines, to at least one other machine in the network of machines (see paragraphs 23 and 27, also see claim 10); and

validating the identifier as unique to the application (see paragraphs 28, 30, and see claim 15) if the requesting machine does not receive an invalidation message (see paragraphs 16 and 30.)

<u>Smith et al</u> does not teach predefined time period; and the invalidation message being indicative of the identifier being allocated to one of the machines.

<u>Ahmad</u> teaches a system and method for monitoring the use of rented software (see Abstract), in which he teaches predefined time period (see column 8, lines 54-64); and the invalidation message being indicative of the identifier being allocated to one of the machines (see column 3, lines 45-61, and see column 12, lines 43-53.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al to include predefined time period; and the invalidation message being indicative of the identifier being allocated to one of the machines.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Smith et al by the teachings of Ahmad, because setting predefined time period; and the invalidation message being indicative of the identifier being allocated to one of the machines, enables the system to flag duplicate ids and ensure that the user ids are indeed unique and that no more than one user is assigned the unique identifier for the duration of the predefined time period.

For the teaching of "obtaining automatically" the identifier "from a shared resource pool of the network", the applicant is directed to the remarks and discussions made in claim 1 above.

As to claim 23, Smith et al teaches a claim requesting machine (see paragraph 27) for operation in an ad-hoc network of machines (see figure 1), wherein in use the claim requesting machine effects the steps of:

obtaining an identifier for an application associated with the claim requesting machine;

sending a claim request for to at least one other machine in the network of machines; and

validating the identifier as unique to the application if the requesting machine does not receive an invalidation message within a predefined time period, the

invalidation message being indicative of the identifier being allocated to one of the

machines (for the teachings of the above steps, and the teachings of "obtaining

automatically" the identifier "from a shared resource pool of the network", the

applicant is directed to the remarks and discussions made in claims 1 and 12 above.)

Response to Arguments

6. Applicant's arguments filed on 18-November-2004 with respect to the rejected claims

in view of the cited references have been fully considered but they are moot in view

of the new grounds for rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened statutory period,

then the shortened statutory period will expire on the date the advisory action is

mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from

the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiries concerning this communication or earlier communications from the

examiner should be directed to Tony Mahmoudi whose telephone number is (571)

272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00

am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici, can be reached at (571) 272-4083.

tm

March 3, 2005

SAM RIMELL
PRIMARY EXAMINER